

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1498

Introduced by Senator Dutton
(Coauthor: Assembly Member Daucher)

February 23, 2006

An act to ~~amend Section 10783 of~~ *add Section 10790 to* the Revenue and Taxation Code, and to ~~amend Section 9105 of,~~ *add Section 9108 to* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1498, as amended, Dutton. Vehicles: fee and tax exemption: military.

Existing law exempts disabled veterans, former American prisoners of war, and a veteran who is a Congressional Medal of Honor recipient, from the payment of vehicle registration fees and the payment of charges under the Vehicle License Fee Law.

This bill would *also exempt* ~~an active member~~ *members* of the California National Guard and ~~a member serving on active duty in~~ *members of* the United States Armed Forces, who are *on active duty*, serving outside of this state in a military conflict during a time of war, as defined, from the payment of the specified fees and charges, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 10790 is added to the Revenue and*
2 *Taxation Code, to read:*

1 10790. (a) *The license fee imposed by this part does not*
2 *apply to a passenger vehicle, a motorcycle, or a commercial*
3 *vehicle of less than 8,001 pounds unladen weight, unless the*
4 *vehicle is used for transportation for hire, compensation, or*
5 *profit, if the vehicle is owned by a member of the California*
6 *National Guard or the United States Armed Forces, who is on*
7 *active duty, serving outside of this state in a military conflict*
8 *during a time of war, as defined in Section 18 of the Military and*
9 *Veterans Code:*

10 (b) *The exemption granted by subdivision (a) shall extend to*
11 *not more than one vehicle owned by the member of the California*
12 *National Guard or the member serving in the United State Armed*
13 *Forces, and is applicable to the same vehicle as described in*
14 *subdivision (b) of Section 9107 of the Vehicle Code.*

15 (c) *The Department of Motor Vehicles may require a person*
16 *applying for an exemption under this section to show, by*
17 *satisfactory proof, that he or she is serving in the capacity*
18 *described in subdivision (a).*

19 SEC. 2. *Section 9108 is added to the Vehicle Code, to read:*

20 9108. (a) *The fees specified in this code, except fees for*
21 *duplicate plates, certificates, or cards, need not be paid for the*
22 *following vehicles, that are of a type subject to registration under*
23 *this code, and that are not used for transportation for hire,*
24 *compensation, or profit, when owned by a member of the*
25 *California National Guard or the United States Armed Forces,*
26 *who is on active duty, serving outside of this state in a military*
27 *conflict during a time of war, as defined in Section 18 of the*
28 *Military and Veterans Code.*

29 (1) *A passenger motor vehicle.*

30 (2) *A motorcycle.*

31 (3) *A commercial motor vehicle of less than 8,001 pounds*
32 *unladen weight.*

33 (b) *The exemption granted by subdivision (a) shall not extend*
34 *to more than one vehicle owned by the member of the California*
35 *National Guard or the member serving in the United States*
36 *Armed Forces, and is applicable to the same vehicle as described*
37 *in Section 10790 of the Revenue and Taxation Code.*

38 (c) *The department may require a person applying for an*
39 *exemption under this section to show, by satisfactory proof, that*
40 *he or she is serving in the capacity described in subdivision (a).*

1 ~~SECTION 1. Section 10783 of the Revenue and Taxation~~
2 ~~Code is amended to read:~~

3 ~~10783. (a) The license fee imposed by this part does not~~
4 ~~apply to a passenger vehicle, a motorcycle, or a commercial~~
5 ~~vehicle of less than 8,001 pounds unladen weight, unless the~~
6 ~~vehicle is used for transportation for hire, compensation, or~~
7 ~~profit, if the vehicle is owned by a disabled veteran, as defined in~~
8 ~~Section 295.7 of the Vehicle Code, a former American prisoner~~
9 ~~of war, a veteran who is a Congressional Medal of Honor~~
10 ~~recipient, an active member of the California National Guard~~
11 ~~serving outside of this state or a member serving on active duty~~
12 ~~in the United States Armed Forces outside of this state in a~~
13 ~~military conflict during a time of war, as defined in Section 18 of~~
14 ~~the Military and Veterans Code.~~

15 ~~(b) The exemption granted by subdivision (a) shall extend to~~
16 ~~not more than one vehicle owned by the veteran, former~~
17 ~~American prisoner of war, member of the California National~~
18 ~~Guard, or member serving in the United State Armed Forces, and~~
19 ~~is applicable to the same vehicle as described in subdivision (b)~~
20 ~~of Section 9105 of the Vehicle Code.~~

21 ~~(c) (1) The Department of Motor Vehicles may require a~~
22 ~~disabled veteran applying for an exemption under this section to~~
23 ~~submit a certificate signed by a physician or surgeon~~
24 ~~substantiating the disability.~~

25 ~~(2) The Department of Motor Vehicles may require a person~~
26 ~~applying for an exemption under this section for the following~~
27 ~~reasons to do the following:~~

28 ~~(A) By reason of the person's status as a former American~~
29 ~~prisoner of war, to show, by satisfactory proof, his or her former~~
30 ~~prisoner-of-war status.~~

31 ~~(B) By reason of the person's status of receiving the~~
32 ~~Congressional Medal of Honor, to show, by satisfactory proof,~~
33 ~~that he or she is a Congressional Medal of Honor recipient.~~

34 ~~(C) By reason of the person's status as an active member of~~
35 ~~the California National Guard or a member serving on active~~
36 ~~duty in the United States Armed Forces, by satisfactory proof,~~
37 ~~that he or she is serving in that capacity outside of this state in a~~
38 ~~military conflict during a time of war, as defined in Section 18 of~~
39 ~~the Military and Veterans Code.~~

1 ~~SEC. 2. Section 9105 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~9105. (a) The fees specified in this code, except fees for~~
4 ~~duplicate plates, certificates, or cards, need not be paid for the~~
5 ~~following vehicles, that are of a type subject to registration under~~
6 ~~this code, and that are not used for transportation for hire,~~
7 ~~compensation, or profit, when owned by any former American~~
8 ~~prisoner of war, a disabled veteran, a Congressional Medal of~~
9 ~~Honor recipient, a active member of the California National~~
10 ~~Guard or a member serving on active duty in the United States~~
11 ~~Armed Forces, serving outside of this state, in a military conflict~~
12 ~~during a time of war, as defined in Section 18 of the Military and~~
13 ~~Veterans Code.~~

14 ~~(1) Any passenger motor vehicle.~~

15 ~~(2) Any motoreycle.~~

16 ~~(3) Any commercial motor vehicle of less than 8,001 pounds~~
17 ~~unladen weight.~~

18 ~~(b) The exemption granted by subdivision (a) shall not extend~~
19 ~~to more than one vehicle owned by a former American prisoner~~
20 ~~of war, a disabled veteran, a Congressional Medal of Honor~~
21 ~~recipient, a member of the California National Guard, or a~~
22 ~~member serving in the United States Armed Forces, serving~~
23 ~~outside of this state, and is applicable to the same vehicle as~~
24 ~~described in subdivision (b) of Section 10783 of the Revenue and~~
25 ~~Taxation Code.~~

26 ~~(c) (1) The department may require a disabled veteran~~
27 ~~applying for an exemption under this section to submit a~~
28 ~~certificate signed by a physician or surgeon substantiating the~~
29 ~~disability.~~

30 ~~(2) The department may require a person applying for an~~
31 ~~exemption under this section for the following reasons to do the~~
32 ~~following:~~

33 ~~(A) By reason of the person's status as a former prisoner of~~
34 ~~war, to show, by satisfactory proof, his or her former~~
35 ~~prisoner-of-war status.~~

36 ~~(B) By reason of the person's status of receiving the~~
37 ~~Congressional Medal of Honor, to show, by satisfactory proof,~~
38 ~~that he or she is a Congressional Medal of Honor recipient.~~

39 ~~(C) By reason of the person's status as an active member of~~
40 ~~the California National Guard, or a member serving in active~~

1 ~~duty in the United States Armed Forces, by satisfactory proof,~~
2 ~~that he or she is serving in that capacity, outside of this state in a~~
3 ~~military conflict during a time of war, as defined in Section 18 of~~
4 ~~the Military and Veterans Code.~~

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